

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HURON CONSULTING SERVICES LLC,)
a Delaware Limited Liability Company,)
)
)
Plaintiff,)
)
v.) Case No. 13 C 7189
)
PRISM HEALTHCARE PARTNERS)
LTD., a Delaware Corporation,)
)
)
Defendant.)

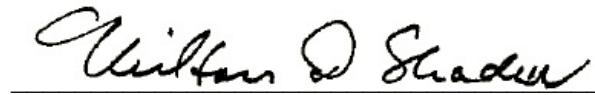
MEMORANDUM ORDER

Prism Healthcare Partners Ltd. ("Prism") has filed its Answer and asserted Affirmative Defense ("AD") to the Complaint brought against it by Huron Consulting Services LLC ("Huron"). Two problematic aspects of that responsive pleading have triggered this sua sponte memorandum order.

First, Prism's experienced counsel is obviously not part of the regrettably large cohort of lawyers who seem to believe that they know better than the drafters of the Federal Rules of Civil Procedure ("Rules") and therefore depart impermissibly from the carefully crafted roadmap prescribed by Rule 8(b)(5) for a disclaimer that can excuse noncompliance with Rule 8(b)(1)(B) as to certain allegations by a plaintiff. But having tracked Rule 8(b)(5) faithfully in Answer ¶¶ 6, 10, 18, 22-24 and 32-34, Prism's counsel impermissibly follows such compliance by adding "and therefore denies such allegations." It is of course oxymoronic for a party to assert (presumably in good faith) that it lacks even enough information to form a belief as to the truth of an allegation,

then proceed to deny it. Because such a denial is at odds with the pleader's obligations under Rule 11(b), the quoted language is stricken from each of those paragraphs of the Answer.

Because that flaw is correctable through surgical excision, no amendment of the Answer is called for. That is true as well of Prism's purported AD, which -- contrary to the principle established by Rule 8(c) and the caselaw applying it (see also App'x ¶ 5 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276 (N.D. Ill. 2001)) -- directly contradicts allegations of Huron's Complaint that must be credited for AD purposes -- see for example Complaint ¶¶ 43, 44, 46, 47, 54 and 55. Hence Prism's AD is stricken as well.



Milton I. Shadur
Senior United States District Judge

Date: January 15, 2014